

ORIGINAL

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUN 27 2017

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THE ESTATE OF WILLIAM SAGE
BERGER; DAVID BERGER, as
Personal Representative of the Estate;
and AMBER BERGER, as Personal
Representative of the Estate,

Plaintiffs,

v.

SHAWN AUDIE, individually, and
in his capacity as a Spokane County
Deputy Sheriff; and STEVE
PAYNTER, individually, and in his
capacity as a Spokane County Deputy
Sheriff,

Defendants.

NO: 2:15-CV-140-RMP

SPECIAL VERDICT FORM

We, the Jury, being duly empaneled and sworn upon oath, unanimously state
the following verdict:

Question 1: Have Plaintiffs proven by a preponderance of the evidence that,
on June 6, 2013, William Berger was subjected to excessive force by

Defendant Deputy Shawn Audie?

Answer: Yes _____

No ☒ _____

1 Question 2: Have Plaintiffs proven by a preponderance of the evidence that,
2 on June 6, 2013, William Berger was subjected to excessive force by
3 **Defendant Deputy Steve Paynter**?

4 Answer: Yes _____ No ✓

5 **DAMAGES**

6 *INSTRUCTION: If you answered "Yes" to any of the questions above,*
7 *continue to Questions 3, 4, 5, 6 and, if warranted, Questions 7 and 8. If you*
8 *answered "No" to the above questions, do not continue with the questions below.*
9 *The presiding juror should sign and date this form and return it to the Court.*

10 Question 3: What monetary amount will reasonably and fairly compensate
11 William Berger's Estate for the injury or injuries you find were caused by
12 the conduct of **Defendant Audie**?

13 Answer: \$ _____

14 Question 4: What monetary amount will reasonably and fairly compensate
15 William Berger's Estate for the injury or injuries you find were caused by
16 the conduct of **Defendant Paynter**?

17 Answer: \$ _____

18 Question 5: Did **Defendant Audie** act with malice, oppression, or reckless
19 disregard of William Berger's rights?

20 Answer: Yes _____ No _____

21 Question 6: Did **Defendant Paynter** act with malice, oppression, or
reckless disregard of William Berger's rights?

Answer: Yes _____ No _____

INSTRUCTION: If you answered “Yes” to Questions 5 and/or 6, continue to questions 7 and/or 8. If you answered “No” to Questions 5 and 6, you are finished with this form.

Question 7: What monetary amount of punitive damages, if any, do you award to William Berger's Estate against **Defendant Audie**?

Answer: \$ 100

Question 8: What monetary amount of punitive damages, if any, do you award to William Berger's Estate against **Defendant Paynter**?

Answer: \$

INSTRUCTION: You are finished with this form. The presiding juror should sign and date this form and return it to the Court.

DATED June 27, 2017.

PRESIDING JUROR